

COUNTERING THE 'SCOURGE'

The time for evidence and reason on human trafficking

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Since the late 1990s South African media have drawn attention to the problem of human trafficking and called for state intervention to stop the practice. Reports by several non-governmental organisations have referred to the growing plague of human trafficking, particularly that of women and children for purposes of sexual exploitation. A recent, in-depth study of the sex work industry in Cape Town by the ISS and SWEAT calls into question allegations that there is large-scale trafficking into the sex work industry and suggests that a law enforcement approach may not be the most appropriate way to counter the problem.

Nobuntu (not her real name) comes in at ten in the morning to start work. She will be back home by six. Exchanging her street clothes for sexy lingerie she cuts a sad figure, a middle-aged mother who looks uncomfortable in her gold high heels standing under a television displaying grunting pornography. She agrees to speak to me in the seedy unused bar area in a rent-a-room-by-the hour agency in Cape Town's northern suburbs.

As we start to speak she is tearful. 'Have you been doing this for long?' I ask her. 'Only a week,' she says, not really in the mood for a chat. 'Are you OK?' I ask – knowing the answer but feeling the need to show her some sympathy. 'Yes', she replies, rather unconvincingly. 'Why did you start doing this work?' I ask. 'I was working for Shoprite. There I earned R300 a week. I have two children at high school. My transport to work costs R120 a week, their transport to school costs R100 a week. Then its school fees and clothes – I couldn't make it.'

As difficult as her current situation is to bear, now at least she knows that at the end of the week she will

have enough money to cover her expenses. Like many other women in the sex work industry, Nobuntu made a difficult decision to enter a stigmatised profession in order to meet the daily financial needs of her family.

Trafficking and prostitution

It is impossible, in South Africa and internationally, to separate discussions about prostitution from discussions about how to deal with human trafficking. The international and national discourse about human trafficking focuses almost exclusively on the trafficking of women and children for purposes of sexual exploitation. Indeed, much of the international debate is charged with claims by anti-prostitution feminists who argue that all sex work is abuse and exploitation, should be considered trafficking – and banned.

Their concern about what would happen to women like Nobuntu and her children seems to be overshadowed by the urgency of their mission to end prostitution. Add to this explosive mix a good handful of moral panic (such as claims that trafficking is the biggest threat to societal mores)

and a bogey man in the form of invisible, all-encompassing, organised crime, and you have a recipe for policy that emphasises stamping out evil through tougher law enforcement.

When the media focus on human trafficking it is often to draw attention to the dreadful abuses associated with trafficking, and to increase public pressure on government to respond quickly and effectively to bring an end to the scourge. Since these abuses *are* indeed dreadful they elicit a visceral reaction from readers or viewers who cannot help but be appalled by the examples of sexual slavery. But readers of such articles are only being given a small piece of the story.

The whole story is complex.

There is no question that the state should do everything in its power to identify when and where abuse takes place and to stop it. Where there is exploitation it too should be detected and stopped. But when it comes to making policy to deal with the social ills of exploitation and abuse we have to be very specific. It doesn't help to make policies to end trafficking that ignore the very reasons why people are vulnerable to abuse in the first place. It also does *not* help to have an exaggerated sense of the scale of the problem.

Getting perspective on the issue of human trafficking

The hype around human trafficking does little to help the victims of the practice, nor to help people like Nobuntu. In becoming a catch-all for the ills of society, the impression is created that a strong law enforcement response will solve the problem. This forces expenditure of resources inappropriately and doesn't address the causes of vulnerability and exploitation. It also serves particular conservative political agendas that are both anti-immigration and anti-prostitution.

When the numbers of trafficking victims are exaggerated to draw attention to the problem, as they have been around the world, it has a number of negative effects. The first is to create the impression that the problem is so large and pervasive as to be almost impossible to counter, and

certainly extremely expensive to counter effectively. When driven by powerful lobby groups and states, it is easy for states to be pressured to allocate their limited resources to an issue that could be dealt with more creatively and effectively.

The Trafficking in Persons (TIP) Report produced annually by the Department of State in the United States is one such means of placing international pressure on states. The TIP report bases its findings on press reports, interviews with NGOs and state officials. In 2004 it placed South Africa on the 'tier-two watch list', identifying it as a destination, transit point and source of victims of trafficking. It also said that the South African government had not put in place sufficient legal or structural measures to counter the problem.

Since failure to improve in the TIP ratings carries not only stigma but also the possibility of sanctions, immense pressure is placed on state resources to work to counter trafficking. This would be commendable if we were sure that South Africa is indeed a hotbed of human trafficking – but we are not. Indeed, indications from the first piece of research that attempts to quantify the problem, are that the problem is of a manageable size.

A state's resources are not infinite – increasing resources for one thing means taking them away from something else. That is why we need to be very sure that the resource solutions called for to deal with human trafficking are both necessary and effective. There is no certainty that increasing police action, raising public awareness and cracking down on brothels will have the effect of reducing human trafficking. Indeed, this article will argue that it is fairly sure that increasing police action in and around brothels will do none of these. What it will do is drive sex workers – who often know where abuse is taking place – further from the police and public services that should be able to help.

Behind the numbers

A survey of ten per cent of sex workers working in Cape Town brothels carried out during the second half of this year (2007), has revealed that trafficking *does* take place on a small scale in the sex work

industry. But the majority of sex workers enter the profession to meet their immediate and pressing financial needs and obligations and because it offers them more flexibility and better returns than would many other jobs.

In two years of intensive research in the sex work industry in Cape Town, researchers from the ISS and SWEAT encountered eight cases of trafficking. Furthermore, over the past 39 months (just over three years) the International Organisation for Migration (IOM) has assisted 194 victims of trafficking in South and southern Africa – despite extensive media campaigns, a well advertised 24-hour hotline and working closely with law enforcement agencies in the region. ISS and SWEAT are therefore confident that these findings are an accurate reflection of the size of the problem. Plainly stated, the number of actual victims may be lower than may have been believed.

The information about the eight victims of trafficking came from 154 interactions with individuals involved in the sex work industry. In addition, 21 allegations of exploitation or abuse were picked up, ranging from agents offering to procure women, to women being forced by others, or by their addiction to drugs, to sell sex.

The victims were two Chinese women who had been trafficked into sex work in the past (but who were working voluntarily at the time of our survey); four Eastern European women who were debt-bonded in a club in Cape Town; and two South African women. One of these was a woman from Cape Town who started work at a residential agency, knowing that she was going to sell sex, but when she started working was not allowed to leave the premises of the agency. She was forced to clean rooms, have paid sex with clients, and was raped by the owner before managing to escape. At the time of the interview she was working at a brothel, where she was happy with the working conditions.

The eighth woman, also South African, told how she had been recruited from a Cape Town brothel. She and several of her colleagues were taken to a brothel in Witbank where they were kept behind barbed wire fences and not allowed out. She

managed to get a friend to help her escape and took some of her colleagues along with her. At the time of this interview she was working as a sex worker in Cape Town and said that she had heard that the Witbank agency had closed down.

These women are all deserving of assistance by the state and the perpetrators of their abuse should be brought to justice. Yet, in almost all of the cases, the women involved were able to extricate themselves from their situations of abuse and chose to continue working as sex workers.

The ISS/SWEAT research process has been extensive. Over the past two years 36 visits were conducted to 14 different sites where sex workers work on the street. All the advertisements for sexual services that appeared in three newspapers (*Cape Times*, *Argus* and *Die Burger*) over a period of a month were captured and all the advertised numbers called to verify their information. In all, successful calls were made to 713 sex workers. Details obtained from the Sex Trader and Body Heat internet sites and from the glossy *Sex Trader* magazine were added to this information.

More than 20 brothels were visited (many of which were unmarked flats or houses in residential suburbs). In-depth interviews were conducted with 19 managers or owners of brothels, and with 20 sex workers. In total, contact was made with 1 460 people in the industry (either through one-on-one interviews, questionnaires or telephonic contact). These included 13 agencies that advertised the services of foreign (predominantly Eastern) women. A detailed questionnaire was also administered to 83 brothel-based sex workers and 35 street-based sex workers. In the 36 visits to the 14 areas where sex workers work on the street, four underage sex workers were encountered.

It is not unreasonable to assume (borne out by data gathered through interviews) that the clients of sex workers do not specifically seek out, or want, trafficked, bonded, abused, foreign or young sex workers. What they do want is the service that sex workers offer. It follows that it doesn't make economic sense for traffickers to remove trafficked victims from the general industry and to keep them

hidden and apart, because that would mean that they are largely unavailable to their clientele. The researchers believe that on this basis, and given the wide-ranging data collection, it is fair to posit that the research is unlikely to have missed a large portion of the industry.

But let us look at some of the other findings.

Those concerned about exploitative working conditions should take note that all brothel-based sex workers have to share their income (usually in a 60/40 per cent split) with their employer. ISS/SWEAT found that many agencies impose fines on sex workers for minor infringements of rather arbitrary rules as a way of increasing their share of their 'employees' income. Such practices are only possible because the industry is unregulated and not monitored.

The research findings indicate that the typical sex worker is around 29 years of age. Most of those who work in brothels, clubs and residential agencies – unmarked suburban houses – have at least completed matric and have previously held other jobs. And, importantly, they are on average likely to more than double the salary they earned in regular jobs.

The average income for street-based sex workers is R3 850 a month (with the lowest income reported as R800 and the highest as R12 000). Those who had previously held other jobs (17 of the 35 respondents) reported having earned an average of R1 382 a month. The earnings of brothel-based sex workers were predictably higher. The average monthly wage (after the agency had taken its cut) was found to be R11 740 (ranging from R2 000 to R40 000). The average earning for the 69 of 83 respondents who had held previous jobs was R4 220 a month. While this study did not ask sex workers whether they were financially supporting others, a previous survey conducted by SWEAT of 200 sex workers found that the 200 sex workers were supporting 405 dependents of which 279 were children and 126 were other adults.

Why do women enter this industry? Of the 32 street-based sex workers we spoke to (more than ten per cent of the total number identified during the

mapping process) 24 said they entered the industry as a result of financial need, and only three entered because it represented a financial opportunity (in other words not to overcome a financial crisis or to survive). Two refused to answer the question. Twenty of the 32 were introduced to the industry by a friend (who was already working), four were introduced by a family member (e.g. cousin) and eight found it for themselves (e.g. by seeing people working on the side of the street). None said that they had been *forced* into prostitution by another person.

In response to a question about whether they were aware of anyone else who had been forced to prostitute themselves, eight said they were. They qualified their answers by explaining that the people they knew had been forced to do the work by their addiction to drugs or by their boyfriends/husbands. One said she knew of someone forced by a pimp.

Thirty-two brothel-based sex workers said they were introduced to the work by a friend, six had been introduced by a family member and one Chinese woman said that she had been lured into the work by an agent in China.

Four respondents said that they had been forced to do this work in the past – one through financial circumstances, the other three by other people. Of the 16 respondents who said they were currently being forced to work as a prostitute, 15 said they were forced by financial circumstances. Only one said she was afraid to leave the agency she was working at because of verbal threats from her boss.

A higher number, 22 of 83, said they knew of someone else who was being forced to do this work. Of those 22, 13 said they were being forced by boyfriends/husbands or drug addiction. Others said they had heard of people being forced but were not aware of specific cases.

What about foreign sex workers on the street? None admitted to being foreign, although the questionnaire administrator identified one man she believed was Angolan (from his appearance and accent). Twelve did not grow up in Cape Town,

having come to the city from other parts of South Africa. In massage parlours, clubs and residential agencies six of 83 respondents were not born in South Africa (UK, Portugal, Italy, China, Botswana), 12 (of 83) grew up in a rural area or town in South Africa (not Cape Town) and 13 grew up in another South African city. Fifty respondents said they grew up in Cape Town.

If this is, as we believe it to be, a reasonably accurate picture of the sex work industry in Cape Town – previously identified as a key location for human trafficking into the sex work industry – the findings beg a number of questions. One of these is: if the number of cases of trafficking for sexual exploitation is not as high as it has been thought to be, is the hype about human trafficking perhaps fuelled by other concerns?

The need to be specific

Let us try to determine exactly what it is that we, as a society committed to human rights, are concerned about and wish to put an end to. Is it prostitution, is it illegal migration or labour exploitation, is it rape, is it abduction, is it paedophilia, is it organised crime? Because if one looks at what is frequently said in the media about the horrors of trafficking and the urgency required to deal with it, it would appear that ending trafficking would also end these other abuses. For each of these, legislation already exists. Indeed, prosecuting those involved in any one of these crimes is relatively commonplace in South Africa. Certainly legislation against human trafficking would be a welcome addition to the legal arsenal against abuse, but legislation is not a panacea.

As a society we should not like the fact that women who migrate illegally in search of economic opportunity are vulnerable to exploitation and abuse. They are vulnerable because they are women; they are vulnerable because they are illegally here; they are vulnerable because they don't have money or access to support networks. We don't like labour exploitation: that individuals may be forced to do unpleasant work for very little return under awful conditions. We don't like rape. We don't like the fact that children from dysfunctional, impoverished families may find

themselves scraping together a living on the street, or selling sex. We don't like the consequences of organised crime – police corruption, fear and further exploitation. We don't like the fact that women and children addicted to drugs are vulnerable to manipulation and abuse by others.

But none of these problems can be overcome in society unless we know how prevalent they are, understand what causes them and are creative in finding solutions that don't just mask or hide the problem, but really offer alternative solutions to economic vulnerability.

Seeking solutions

So what really needs to be done in terms of shifting our own thinking, and in terms of making policy that works? We need to look at assistance rather than policing for women migrants. We need to open up the sex work industry to scrutiny and regulation through decriminalising sex work. We probably have to accept that finding income generating solutions for older teenagers is necessary and that we need to allocate more state resources to providing better support for children and women and boys from dysfunctional, abusive families.

We certainly have to deal with drug addiction more effectively by making rehabilitation more accessible and by cracking down on drug dealing. We also have to recognise that we are unable to offer women the kinds of income and flexibility that they can find in the sex work industry when offering them work that is commensurate with their skills.

To date consideration of and response to the problem of 'human trafficking' has been framed as a matter for law enforcement. All the more so since the most recent iteration of international concern about human trafficking comes in the context of the 'war on organised crime' and even the 'war on terror'. As human rights activists, certain feminists and those concerned with social justice will attest, trafficking is little more than advantage being taken by those in a position of power of those who wish to migrate, and find the obstacles to migration to be so great as to be unable to overcome them alone. Indeed, for as long as it is impossible for women who do not have access to resources to move to

seek a better future, we shall continue to see cases of trafficking, exploitation and abuse, as such women place their futures in the hands of those who can work the system.

It is certainly far easier to frame social problems as law enforcement problems, because that way it is obvious who has to respond, and who will have to take responsibility when the situation fails to improve: the police (just as they are quite illogically asked to account for the high levels of crime in South Africa every year when the crime statistics are released). There is no denying that a robust, efficient police force supported by good relationships with the communities they serve and quick effective courts would go a long way towards dealing with crime.

Yet, as many an analyst will tell us, the causes of crime are social. Until we shift our thinking and begin to deal with the more difficult, messy social causes of crime we are unlikely to see the statistics dropping. Just as, unless we take a humanitarian approach to migration, stop quibbling about numbers and the difficult politics of our neighbours, we are unlikely to see an end to the human rights abuses associated with illegal immigration. The tendency of policy makers to respond to social problems as if they are law enforcement problems only leads us further and further from finding long term solutions to social dysfunction, and contributes towards undermining human rights and the ability of the police to do their job effectively.